



STATUTES

MONTANA CODE ANNOTATED (MCA)

Provided below are MCA excerpts that define the responsibilities of the Department of Administration, Information Services Division, in delivering information technology services to state government.

MCA 2-17-501

Responsibilities of the Director of the Department of Administration for data processing.

- (1) Except as provided in subsection (2), the director of the department of administration, in cooperation with state agencies, shall:
 - (a) establish policies and a statewide plan for the operation and development of data processing for state government;
 - (b) review and approve agency specifications and procurement methods for the acquisition of data processing equipment;
 - (c) review and approve agency specifications and procurement methods for the acquisition of software to ensure network compatibility and conformity with the statewide data processing plan;
 - (d) review and approve all contracts for private-sector data processing services to ensure conformance with the statewide data processing plan and statewide data network; and
 - (e) operate and maintain a central computer center and a statewide data network for the use of all state agencies and political subdivisions.
- (2) (a) The responsibilities of the director under subsections (1)(b) through (1)(d) do not apply to the Montana university system or to the office of the superintendent of public instruction. The university system and the office of the superintendent of public instruction are exempt from the requirements of subsections (1)(b) through (1)(d) unless a data processing activity proposed by the university system or the office of the superintendent of public instruction



- affects the operation of the central computer center or the statewide data network. If the university system or the office of the superintendent of public instruction determines that the central computer center or the statewide data network will be affected by the proposed activity, the agency shall notify the director and the proposed activity is subject to the requirements of subsections (1)(b) through (1)(d).
- (b) For purposes of subsection (2)(a), a data processing activity affects the operation of the central computer center or the statewide data network if it adds to the processing workload, capacity, or support service requirements of the central computer center or the statewide data network.
- (3) When reviewing data processing activities submitted by the university system or the office of the superintendent of public instruction under subsections (1)(b) through (1)(d), the department shall consider and make reasonable allowances for the unique educational needs and characteristics of the university system and the office of the superintendent of public instruction to communicate and share data with units of the university system and with school districts.
- (4) As used in subsections (1) and (2), the following definitions apply:
- (a) "Central computer center" means any:
- (i) shared or sharable computer system and facilities provided by the department for use by government agencies; or
 - (ii) computer operations and software development support services provided by the department.
- (b) "Statewide data network" means any telecommunications facility, circuits, equipment, or software administered by the department for the transmission of data from one computer to another by government agencies.

History

En. Sec. 1, Ch. 175, L. 1979; amd. Sec. 2, Ch. 486, L. 1983; MCA 1981, 1-4-111; redes. 2-17-501 by Code Commissioner, 1983; amd. Sec. 1, Ch. 207, L. 1985; amd. Sec. 1, Ch. 216, L. 1985; amd. Sec. 1, Ch. 76, L. 1993.

Compiler's Comments

1993 Amendment. Chapter 76 in (1), after "administration," inserted "in cooperation with state agencies"; in (1)(a), after "plan," deleted "in cooperation with state agencies"; in (1)(b), at end after "equipment," deleted "to insure network compatibility and conformity with the statewide data processing plan"; inserted (1)(c) requiring review and approval of agency specifications and procurement methods; at end of (1)(d) inserted "and statewide data network"; in (1)(e) substituted "statewide data network" for "data processing equipment pool"; deleted former (2)(a) that read: "The responsibilities of the director under subsection (1) do not apply to the office of the superintendent of public instruction, and that office is exempt from the requirements of subsection (1) unless a proposed activity of that office related to data processing affects the operation of the central computer center and data processing equipment pool. If the office of the superintendent of public instruction determines that such an impact may occur, it shall notify the



director, and the proposed activity shall be subject to the requirements of subsection (1)(b)"; substituted (2)(a) concerning nonapplication to the University System and Office of the Superintendent of Public Instruction for former (2)(b) that read: "(b) The responsibilities of the director under subsection (1)(b) do not apply to the Montana university system, and the university system is exempt from the requirements of subsection (1)(b) unless a proposed university system activity related to data processing impacts the operation of the central computer center and data processing equipment pool. If the university system determines that such an impact may occur, the system shall notify the director, and the proposed activity is subject to the requirements of subsection (1)(b)"; inserted (2)(b) clarifying data processing activity; inserted (3) regarding review of data processing activities submitted by the University System or the Office of Public Instruction; inserted (4) defining central computer center and statewide data network; and made minor changes in style.

1985 Amendments — Composite Section. Chapter 207 near beginning of (1) after "department," inserted "of administration"; near middle of (1)(b) after "equipment," deleted "excluding specifications and methods relating to instruction and research in the university system"; in (2)(a) changed "this section" to "subsection (1)" in two places; and inserted (2)(b) relating to the exemption for the University System.

Chapter 216 in (2)(a) in two places substituted "subsection (1)(b)" for "this section," inserted "unless" clause at end of first sentence, and inserted "If the office of the superintendent of public instruction determines that such an impact may occur, it shall notify the director, and the proposed activity shall be subject to the requirements of subsection (1)(b)."

In preparation of the composite of the Ch. 207 and Ch. 216 amendments to this section, the Code Commissioner has codified the provision in subsection (2)(a) from Ch. 207 that exempts the Superintendent from all of subsection (1) rather than just (1)(b) as provided in Ch. 216, because the exemption in Ch. 207 is broader and encompasses the exemption granted in Ch. 216.

1983 Amendment. Substituted language providing for control by the Department of Administration for former text that read: "The budget director shall:

- (1) establish guidelines for the operation and development of data processing services by or for state government;
- (2) set priorities for the development and acquisition of data processing systems;
- (3) approve the procurement of data processing equipment before such equipment is acquired for state government by the department of administration;
- (4) approve the addition of data processing staff; and
- (5) review and approve all contracts for private-sector data processing services."

Cross References

Supervision of mailing, data processing, duplicating, copying, and telephone facilities, 2-17-301.

MCA 2-17-502



State information technology advisory council.

- (1) The department of administration shall create a state information technology advisory council under 215-122.
- (2) The members of the advisory council must be selected from a diverse group in order to adequately represent the interests of state agencies, including the university system.
- (3) In addition to the advisory functions assigned by the department, the information technology advisory council shall review statewide information and data processing policies, make recommendations regarding the application of new information processing technology in state government, and advise the department on longterm strategic planning for the use of information processing technology in state government.

History

En. Sec. 3, Ch. 486, L. 1983; amd. Sec. 2, Ch. 76, L. 1993.

Compiler's Comments

1993 Amendment. Chapter 76 in (1) substituted "information technology" for "data processing"; inserted (3) regarding functions of the information technology advisory council; and made minor changes in style.

Codification. Section 4, Ch. 486, L. 1983, instructed that this section be codified in Title 18. The only apparent reason for the codification instruction was to make 18-101, defining "department" as "department of administration," applicable. Since the Department's duties relating to property, systems development, and management are generally contained in this chapter, the Code Commissioner inserted the words "of administration" after "department" in (1) and codified this section in this chapter.

MCA 2-17-503

Security responsibilities of department of administration. The department of administration is responsible for providing centralized management and coordination of state policies for security of data and information technology resources and shall:

- (1) establish and maintain the minimum security standards and policies to implement 2-15-114, including the physical security of central and backup computer facilities consistent with these standards;
- (2) establish guidelines to assist agencies in identifying electronic data processing personnel occupying positions of special trust or responsibility or sensitive locations;
- (3) establish standards and policies for the exchange of data between data centers or

departments by hardwired or nondedicated telecommunications to ensure that exchanges do not jeopardize data security and confidentiality;

- (4) coordinate and provide for a training program regarding security of data and information technology resources to serve governmental technical and managerial needs;
- (5) include appropriate security requirements in the specifications for solicitation of state contracts for procuring data and information technology resources; and
- (6) upon request, provide technical and managerial assistance relating to the security program.

History

En. Sec. 3, Ch. 592, L. 1987.

Cross References

Department of Administration responsibilities, [217-323](#).

MCA 2-17-301

Supervision of mailing, duplicating, copying, and telephone facilities.

- (1) The department of administration shall maintain and supervise any central mailing, messenger service, duplicating, and copying facilities for state agencies in the capitol area.
- (2) The department shall maintain and supervise any central telephone switchboard for state agencies located in Helena.
- (3) Cost records shall be maintained and agencies shall be billed for services received.

History

(1), (3)En. Sec. 6, Ch. 271, L. 1963; amd. Sec. 1, Ch. 298, L. 1967; amd. Sec. 3, Ch. 101, L. 1969; amd. Sec. 2, Ch. 313, L. 1971; amd. Sec. 80, Ch. 326, L. 1974; Sec. ~~82~~3306, R.C.M. 1947; (2)En. Sec. 7, Ch. 271, L. 1963; amd. Sec. 98, Ch. 326, L. 1974; Sec. 82-3307, R.C.M. 1947; R.C.M. 1947, 823306, 82-3307; amd. Sec. 1, Ch. 486, L. 1983.

Compiler's Comments

1983 Amendment. In (1) following "messenger service," deleted "data processing."

MCA 2-17-302

Communication systems.

- (1) The department of administration shall:
 - (a) provide communication services to all agencies of state government. The state communications system must be capable of passing voice, video, data, written information, and other forms of communication to and from distant points.
 - (b) exercise general supervision over all existing communications systems for all agencies of state government;
 - (c) plan, review, and approve any additional installations of communications equipment and systems for all agencies of state government, including mail equipment for state agencies within a 10mile radius of the capitol area. In approving the installation of additional communications equipment or systems, the department shall first consult with and consider the recommendations and advice of the executive heads of the various state agencies.
 - (d) approve standards and procedures for selection, acquisition, and operation of communications equipment;
 - (e) ensure that all communications equipment is properly maintained. The department is authorized to establish a centralized maintenance program for all state communications equipment and to contract the equipment maintenance if it is in the state's best interest. The department shall maintain cost records and bill agencies for services rendered.
 - (f) provide assistance to the legislature, governor, and state agencies relative to state and interstate communication matters;
 - (g) provide a means whereby political subdivisions of the state may utilize the state communications system, upon terms and under conditions as the department may establish;
 - (h) accept federal funds granted by congress or by executive order for any purposes of this section, as well as gifts and donations from individuals and private organizations or foundations;
 - (i) foster the development of new and innovative communications systems and techniques within the state, including but not limited to satellite communications and highspeed, high-density data transfer. To carry out the purposes of this section, the department may contract with qualified private organizations, foundations, or individuals if it is in the state's best interest.
 - (j) pay for and allocate to state agencies, as part of services rendered, the cost of any performance audit of the state communications system performed by or at the direction of the legislative auditor.
- (2) The department may provide assistance to political subdivisions or nonprofit organizations, upon terms that the department may establish, relative to state and interstate communications systems and techniques.
- (3) Adequate rules for the use of any communications equipment and facilities must be adopted by the:
 - (a) department for executive branch agencies;
 - (b) supreme court for judicial branch agencies; and
 - (c) legislature by joint rule for members of the legislature and legislative branch

agencies.

History

En. Sec. 3, Ch. 230, L. 1971; amd. Sec. 6, Ch. 215, L. 1974; amd. Sec. 86, Ch. 326, L. 1974; amd. Sec. 1, Ch. 315, L. 1975; amd. Sec. 1, Ch. 341, L. 1977; R.C.M. 1947, 82-3325; amd. Sec. 1, Ch. 307, L. 1983; amd. Sec. 1, Ch. 42, L. 1987; amd. Sec. 1, Ch. 2, L. 1993.

Compiler's Comments

1993 Amendment. Chapter 2 in (1)(c), at end of first sentence, inserted "including mail equipment for state agencies within a 10mile radius of the capitol area"; and made minor changes in style. Amendment effective January 25, 1993.

1987 Amendment. Inserted (1)(j), relating to audit costs; in (3) substituted "must be adopted by the" for "The department shall adopt"; and inserted (3)(a) through (3)(c) setting forth who in each branch is to adopt the rules.

1983 Amendment. In (1)(i) after "techniques" substituted "within the state" for "for state government"; and inserted (2) authorizing assistance to political subdivisions or nonprofit organizations with regard to communications systems and techniques.

MCA 2-6-203

Secretary of state's powers and duties.

- (1) In order to insure the proper management and safeguarding of public records, the secretary of state shall undertake the following:
 - (a) establish guidelines for inventorying, cataloging, retaining, and transferring all public records of state agencies;
 - (b) review and analyze all state agency filing systems and procedures and approve filing system equipment requests;
 - (c) establish and operate the state records center, as authorized by appropriation, for the purpose of storing and servicing public records not retained in office space;
 - (d) gather and disseminate information on all phases of records management, including current practices, methods, procedures, and devices for the efficient and economical management of records;
 - (e) operate a central microfilm unit which will microfilm, on a cost recovery basis, all records approved for filming by the office of origin and the secretary of state; and
 - (f) approve microfilming projects and microfilm equipment purchases undertaken by all state agencies.
- (2) Upon request, the secretary of state shall assist and advise in the establishment of records management procedures in the legislative and judicial branches of state government and shall, as required by them, provide services similar to those



available to the executive branch.

History

(1)En. 82-3335 by Sec. 4, Ch. 339, L. 1977; Sec. 823335, R.C.M. 1947; (2)En. 823337 by Sec. 6, Ch. 339, L. 1977; Sec. 823337, R.C.M. 1947; R.C.M. 1947, 823335, 82-3337; amd. Sec. 1, Ch. 378, L. 1991.

Compiler's Comments

1991 Amendment. Throughout substituted references to Secretary of State for references to Department of Administration. Amendment effective July 1, 1991.

MCA 2-6-204

State records committee approval.

The committee shall approve, modify, or disapprove the recommendations on retention schedules of all public records to determine which documents not included in the provisions of this part are to be designated public records and approve agency requests to dispose of such public records.

History

En. 82-3338 by Sec. 7, Ch. 339, L. 1977; R.C.M. 1947, 823338(3).

MCA 2-6-205

Preservation of public records.

All public records are and shall remain the property of the state. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, or disposed of and otherwise managed only in accordance with the provisions of this part.

History

En. 82-3334 by Sec. 3, Ch. 339, L. 1977; R.C.M. 1947, 823334(2).

Cross References

Proceedings to compel delivery of records, ~~§~~-107.

MCA 2-6-206

Protection of essential records.

- (1) In order to provide for the continuity and preservation of civil government, each elected and appointed officer of the executive branch shall designate certain public records as essential records needed for an emergency or for the reestablishment of normal operations after any such emergency. A list of such records shall be forwarded to the secretary of state. The list shall be reviewed from time to time by the elected or appointed officers to insure its accuracy. Any changes or revisions shall be forwarded to the secretary of state.
- (2) Each elected and appointed officer of state government shall insure that the security of essential records is accomplished by the most economical means possible. Protection of essential records may be by vaulting, planned or natural dispersal of copies, storage in the state archives, or any other method approved by the secretary of state.
- (3) Reproductions of essential records may be by photocopy, magnetic tape, microfilm, or other methods approved by the secretary of state.

History

En. 82-3341 by Sec. 10, Ch. 339, L. 1977; R.C.M. 1947, 823341; amd. Sec. 2, Ch. 378, L. 1991.

Compiler's Comments

1991 Amendment. Throughout substituted references to Secretary of State for references to Department of Administration. Amendment effective July 1, 1991.

Cross References

Custody and preservation of records by Secretary of State, ~~§~~-111. Preservation of records — state archives, Title 22, ch. 3, part 2.

MCA 2-6-212

Disposal of public records.

- (1) Except as provided in subsection (2), no public record ~~ay~~ be disposed of or

destroyed without the unanimous approval of the state records committee. When approval is required, a request for the disposal or destruction must be submitted to the state records committee by the agency concerned.

- (2) The state records committee may by unanimous approval establish categories of records for which no disposal request is required, providing those records are retained for the designated retention period.

History

En. 82-3339 by Sec. 8, Ch. 339, L. 1977; R.C.M. 1947, 823339; amd. Sec. 1, Ch. 173, L. 1981.

Compiler's Comments

1981 Amendment. Inserted "Except as provided in subsection (2)" at the beginning of (1); inserted (2) allowing categories of records for which no disposal request is required; and made changes to conform to the exception.

Statement of Intent

The statement of intent attached to SB 187 (Ch. 173, L. 1981) provided: "The intent is to have the State Records Committee create by rule categories of records of minor importance for which agencies would be relieved of the burden of repetitively submitting disposal requests; for example:

- (a) motor vehicle applications that are being microfilmed;
- (b) inactive teacher certification records that are being microfilmed;
- (c) interstate invoices in the statewide budget and accounting system."

MONTANA OPERATIONS MANUAL (MOM)

The Department of Administration develops policies and procedures to guide the use of information resources and systems by providing minimum standards for the planning, acquisition, development, security, and disposal of automated information systems. These policies and procedures are documented in MOM and in the **Administrative Rules of Montana**.

MOM documents automated-information-systems policies and procedures to be followed by all state agencies, except the Montana university system and the Office of Public Instruction. The following summarizes these MOM policies:

- A. Control and coordination 1-0210.00
 1. The Department of Administration will insure conformity with the statewide data processing plan and network compatibility by establishing policies, reviewing and approving agency specifications and procurement methods for data processing equipment, reviewing and approving all contracts for private sector data processing services, and operating and maintaining a central

computer center.

2. The Department of Administration will coordinate the Information Technology Advisory Council whose mission is to improve the effectiveness of agency operations and state government as a whole through the appropriate use of computers and information processing technology.

B. Information system planning 1-0220.00

1. Agencies should adopt formal planning and review processes for information systems environments.

C. Information system acquisition 1-0230.00

1. All computer hardware and software procurement shall comply statute which governs the procurement of supplies and services.
2. Agencies should develop an information system needs analysis, to review data and information management issues, communications, compatibility, and software requirements, when planning major improvements to their information systems.
3. Specifications for procurement of hardware and software should clearly define the unique requirements of the agency without being unduly restrictive.
4. Agencies should evaluate the available financing alternatives for data processing and office automation equipment, select the most cost-beneficial method, or justify, in writing, the use of another alternative.
5. Agencies should obtain written approval from the Information Services Division prior to procurement of computers and related hardware and for bids and contracts for private data processing services.
6. Department of Administration will select and support equipment and software for inclusion under term contracts and require term contract items to be compatible with the state's compatibility standards.

D. Software acquisition considerations 1-0232.00

1. Agencies shall maintain policies and procedures for planning and managing information systems development projects. Software may be procured from a vendor or developed by staff personnel, private sector consultants, or Information Services Division. Planning and managing systems development projects should include the following considerations:
 - a. Information systems should be designed so that data can be shared. Interdepartmental sharing should be considered when developing systems.
 - b. Although the names of the components may vary, design and development



- methods should consist of phases and tasks, documentation, and approval points.
 - c. Software design should describe how the system will implement industry recognized controls.
 - d. Application specific software should include adequate documentation.
 - e. Agencies should establish a policy which defines the documentation necessary for changes to production systems.
 - f. Systems development projects should include consideration for the acquisition of existing software as an alternative to custom written software.
- 2. Data processing services procurements should adhere to Management Memo I-88-4-6 which defines selection and use of consulting services.
 - 3. All purchased software is subject to the Copyright Act of 1976 and the software amendments of 1980 unless otherwise indicated. Each agency should ensure that proprietary software copyright laws are not being violated as a result of an agency's use of that software.
 - 4. The Department of Administration will provide agencies with support for data processing and office automation software. Emphasis will be placed on support for products that are compatible with the direction of the state communications network. Each software product supported by ISD has been assigned one of four support levels: full; limited; sunset; special case.
- E. Communication acquisition considerations 1-0232.00
- 1. The following standards for hardware and software procurement must be met for use of the state's telecommunication network.
 - a. The primary standard used by the state of Montana for distribution of electronic information is IBM Systems Network Architecture (SNA).
 - b. Data may be transmitted via the network provided it conforms to either Synchronous Data Link Control (SNA/SDLC) or Token Ring (IEEE 802.5) protocols.
 - c. Network nodes (devices) should be capable of functioning as a physical unit type 2.1.
 - d. LU 6.2 protocols or Advanced Program to Program Communications (APPC) are used to establish communicating sessions.
 - 2. Local Area Networks (LANs) will be managed as an integral part of the statewide telecommunications network. The standard LAN topology is Token Ring (i.e., international standard IEEE 802.5).



- a. ISD will purchase and install Token Ring hardware and software components;
 - b. ISD will provide technical staff to assist agencies with LAN implementation and ongoing changes to the LAN configuration.
 - c. ISD will provide problem tracking and resolution services designed to maximize the availability and performance of the LAN to the user agency;
3. Private data networks established for the exclusive use of an agency will not be approved when the routing of the desired service duplicates a capability available on the central facility.



- F. Contingency planning for information systems 1-0240.00
1. Agencies shall maintain contingency plans for all information processing centers which support essential functions and critical applications.
 2. ISD will establish and maintain a disaster contingency plan for the central computer facility.
- G. Information system security 1-0250.00
1. Agencies shall implement security measures for the protection of their data and information technology resources.
 2. Agencies shall authorize access to their information technology resources by designating certain persons as users and authorizing such persons to access these resources in the manner necessary for performing their duties.
 3. The Department of Administration will allow the general public to access the state telecommunications network and the central computer providing access systems conform to established guidelines.
- H. Disposal of information systems 1-0260.00
- Any system that is no longer needed by an agency should be removed in its entirety from the computer upon which it resides.

ADMINISTRATIVE RULES OF MONTANA (ARM)

The Department of Administration must approve the installation, modification, or removal of all telecommunication systems, and ARM documents policy governing the acquisition and use of those systems. The following summarizes these ARM policies:

- A. The state's telecommunications facilities are provided principally for the conduct of state business.
- B. State agencies are individually responsible for enforcing the state's telecommunication systems rules and for cost incurred for use of the systems.
- C. The state telecommunication systems are available for use by political subdivisions of the state, subject to authorization by the department of administration based on formal written request by the subdivision.
- D. The state telecommunication systems are available for use by in-state, non-profit organizations which meet specified criteria.
- E. All records of use of telecommunication systems are public documents and



subject to review by the public, unless protected by statute.